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AND CULTURAL RIGHTS

# STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND RESERVATIONS, WITHDRAWALS, DECLARATIONS AND OBJECTIONS UNDER THE COVENANT

Note by the Secretary-General

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## Introduction

1. This document contains the texts of the reservations, withdrawals of reservations, declarations and objections made by States with respect to the International Covenant on Economic, Social and Cultural Rights as at 1 February 1997 and is based upon Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1995 1/ and upon notifications received by the Secretary-General to this date. As indicated in paragraph 10 of the introduction to that publication, the texts of reservations, declarations and objections are normally reproduced in full. Unless shown in quotation marks, the text is a translation by the Secretariat.

# I. LIST OF STATES WHICH HAVE RATIFIED OR ACCEDED TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS AT 1 FEBRUARY 1997 (135)

Adoption by the General Assembly of the United Nations on 16 December 1966 2/

ENTRY INTO FORCE: 3 January 1976, in accordance with article 27
REGISTRATION: 3 January 1976, No. 14531
TEXT: United Nations, Treaty Series, vol. 993, p. 3

Note: The Covenant was opened for signature at New York on 19 December 1966.

| State party | Date of receipt of the instrument of ratification, accession a/ or succession b/ | Date of entry into force |
|---|---|---|
| Afghanistan | 24 January 1983 a/ | 24 April 1983 |
| Albania | 4 October 1991 a/ | 4 January 1992 |
| Algeria | 12 September 1989 | 12 December 1989 |
| Angola | 10 January 1992 a/ | 10 April 1992 |
| Argentina 3/ | 8 August 1986 | 8 November 1986 |
| Armenia | 13 September 1993 a/ | 13 December 1993 |
| Australia | 10 December 1975 | 10 March 1976 |
| Austria | 10 September 1978 | 10 December 1978 |
| Azerbaijan | 13 August 1992 a/ | 13 November 1992 |
| Barbados | 5 January 1973 a/ | 3 January 1976 |
| Belarus | 12 November 1973 | 3 January 1976 |
| Belgium | 21 April 1983 | 21 July 1983 |
| Benin | 12 March 1992 a/ | 12 June 1992 |
| Bolivia | 12 August 1982 a/ | 12 November 1982 |
| Bosnia and Herzegovina | 6 March 1992 b/ | 6 March 1992 |
| Brazil | 24 January 1992 a/ | 24 April 1992 |
| Bulgaria | 21 September 1970 | 3 January 1976 |
| Burundi | 9 May 1990 a/ | 9 August 1990 |
| Cambodia | 26 May 1992 a/ | 26 August 1992 |
| Cameroon | 27 June 1984 a/ | 27 September 1984 |
| Canada | 19 May 1976 a/ | 19 August 1976 |
| Cape Verde | 6 August 1993 a/ | 6 November 1993 |
| Central African Republic | 8 May 1981 a/ | 8 August 1981 |
| Chad | 9 June 1995 a/ | 9 September 1995 |
| Chile | 10 February 1972 | 3 January 1976 |
| Colombia | 29 October 1969 | 3 January 1976 |
| Congo | 5 October 1983 a/ | 5 January 1984 |
| Costa Rica | 29 November 1968 | 3 January 1976 |
| Côte d'Ivoire | 26 March 1992 a/ | 26 June 1992 |
| Croatia | 8 October 1991 b/ | 8 October 1991 |
| Cyprus | 2 April 1969 | 3 January 1976 |

| State party | Date of receipt of the instrument of ratification, accession a/ or succession b/ | Date of entry into force |
|---|---|---|
| Czech Republic | 1 January 1993 b/ | 1 January 1993 |
| Democratic People's Republic of Korea | 14 September 1981 a/ | 14 December 1981 |
| Denmark | 6 January 1972 | 3 January 1976 |
| Dominica | 17 June 1993 a/ | 17 September 1993 |
| Dominican Republic | 4 January 1978 a/ | 4 April 1978 |
| Ecuador | 6 March 1969 | 3 January 1976 |
| Egypt | 14 January 1982 | 14 April 1982 |
| El Salvador | 30 November 1979 | 29 February 1980 |
| Equatorial Guinea | 25 September 1987 a/ | 25 December 1987 |
| Estonia | 21 October 1991 a/ | 21 January 1992 |
| Ethiopia | 11 June 1993 | 11 September 1993 |
| Finland | 19 August 1975 | 3 January 1976 |
| France | 4 November 1980 a/ | 4 February 1981 |
| Gabon | 21 January 1983 a/ | 21 April 1983 |
| Gambia | 29 December 1978 a/ | 29 March 1979 |
| Georgia | 3 May 1994 a/ | 3 August 1994 |
| Germany | 17 December 1973 | 3 January 1976 |
| Greece | 16 May 1985 a/ | 16 August 1985 |
| Grenada | 6 September 1991 a/ | 6 December 1991 |
| Guatemala | 19 May 1988 a/ | 19 August 1988 |
| Guinea | 24 January 1978 | 24 April 1978 |
| Guinea-Bissau | 2 July 1992 a/ | 2 October 1992 |
| Guyana | 15 February 1977 | 15 May 1977 |
| Honduras | 17 February 1981 a/ | 17 May 1981 |
| Hungary | 17 January 1974 | 3 January 1976 |
| Ireland | 22 August 1979 | 22 November 1979 |
| India | 10 April 1979 a/ | 10 July 1979 |
| Iran (Islamic Republic of) | 24 June 1975 | 3 January 1976 |
| Iraq | 25 January 1971 | 3 January 1976 |
| Ireland | 8 December 1989 | 8 March 1990 |
| Israel | 3 October 1991 | 3 January 1992 |
| Italy | 15 September 1978 | 15 December 1978 |
| Jamaica | 3 October 1975 | 3 January 1976 |
| Japan | 21 June 1979 | 21 September 1979 |
| Jordan | 28 May 1975 | 3 January 1976 |
| Kenya | 1 May 1972 a/ | 3 January 1976 |
| Kuwait | 21 May 1996 a/ | 21 August 1996 |
| Kyrgyzstan | 7 October 1994 a/ | 7 January 1995 |
| Latvia | 14 April 1992 a/ | 14 July 1992 |
| Lebanon | 3 November 1972 a/ | 3 January 1976 |
| Lesotho | 9 September 1992 a/ | 9 December 1992 |
| Libyan Arab Jamahiriya | 15 May 1970 a/ | 3 January 1976 |
| Lithuania | 20 November 1991 a/ | 20 February 1992 |

| State party | Date of receipt of the instrument of ratification, accession a/ or succession b/ | Date of entry into force |
|---|---|---|
| Luxembourg | 18 August 1983 | 18 November 1983 |
| Madagascar | 22 September 1971 a/ | 3 January 1976 |
| Malawi | 22 December 1993 a/ | 22 March 1994 |
| Mali | 16 July 1974 a/ | 3 January 1976 |
| Malta | 13 September 1990 | 13 December 1990 |
| Mauritius | 12 December 1973 a/ | 3 January 1976 |
| Mexico | 23 March 1981 a/ | 23 June 1981 |
| Moldova | 26 January 1993 | 26 April 1993 |
| Mongolia | 18 November 1974 | 3 January 1976 |
| Morocco | 3 May 1979 | 3 August 1979 |
| Namibia | 22 November 1994 a/ | 28 February 1995 |
| Nepal | 14 May 1991 a/ | 14 August 1991 |
| Netherlands | 11 December 1978 | 11 March 1979 |
| New Zealand | 28 December 1978 | 28 March 1979 |
| Nicaragua | 12 March 1980 a/ | 12 June 1980 |
| Niger | 7 March 1986 a/ | 7 June 1986 |
| Nigeria | 29 July 1993 a/ | 29 October 1993 |
| Norway | 13 September 1972 | 3 January 1976 |
| Panama | 8 March 1977 | 8 June 1977 |
| Paraguay | 10 June 1992 a/ | 10 September 1992 |
| Peru | 28 April 1978 | 28 July 1978 |
| Philippines | 7 June 1974 | 3 January 1976 |
| Poland | 18 March 1977 | 18 June 1977 |
| Portugal | 31 July 1978 | 31 October 1978 |
| Republic of Korea | 10 April 1990 a/ | 10 July 1990 |
| Romania | 9 December 1974 | 3 January 1976 |
| Russian Federation | 16 October 1973 | 3 January 1976 |
| Rwanda | 16 April 1975 a/ | 3 January 1976 |
| Saint Vincent and the Grenadines | 9 November 1981 a/ | 9 February 1982 |
| San Marino | 18 October 1985 a/ | 18 January 1986 |
| Senegal | 13 February 1978 | 13 May 1978 |
| Seychelles | 5 May 1992 a/ | 5 August 1992 |
| Sierra Leone | 23 August 1996 a/ | 23 November 1996 |
| Slovakia | 28 May 1993 b/ | |
| Slovenia | 6 July 1992 a/ | 6 July 1992 |
| Solomon Islands 4/ | 17 March 1982 b/ | 17 March 1982 |
| Somalia | 24 January 1990 a/ | 24 April 1990 |
| Spain | 27 April 1977 | 27 July 1977 |
| Sri Lanka | 11 June 1980 a/ | 11 September 1980 |
| Sudan | 18 March 1986 a/ | 18 June 1986 |
| Suriname | 28 December 1976 a/ | 28 March 1977 |
| Sweden | 6 December 1971 | 3 January 1976 |
| Switzerland | 18 June 1992 a/ | 18 September 1992 |
| Syrian Arab Republic | 21 April 1969 a/ | 3 January 1976 |

| State party | Date of receipt of the instrument of ratification, accession a/ or succession b/ | Date of entry into force |
|---|---|---|
| Togo | 24 May 1984 a/ | 24 August 1984 |
| The former Yugoslav Republic of Macedonia | 18 January 1994 b/ | 18 January 1994 |
| Trinidad and Tobago | 8 December 1978 a/ | 8 March 1979 |
| Tunisia | 18 March 1969 | 3 January 1976 |
| Uganda | 21 January 1987 a/ | 21 April 1987 |
| Ukraine | 12 November 1973 | 3 January 1976 |
| United Kingdom of Great Britain and Northern Ireland | 20 May 1976 | 20 August 1976 |
| United Republic of Tanzania | 11 June 1976 a/ | 11 September 1976 |
| Uruguay | 1 April 1970 | 3 January 1976 |
| Uzbekistan | 28 September 1995 | 28 December 1995 |
| Venezuela | 10 May 1978 | 10 August 1978 |
| Viet Nam | 24 September 1982 a/ | 24 December 1982 |
| Yemen | 9 February 1987 a/ | 9 May 1987 |
| Yugoslavia | 2 June 1971 | 3 January 1976 |
| Zaire | 1 November 1976 a/ | 1 February 1977 |
| Zambia | 10 April 1984 a/ | 10 July 1984 |
| Zimbabwe | 13 May 1991 a/ | 13 August 1991 |

## II. TEXTS OF DECLARATIONS, RESERVATIONS, WITHDRAWALS AND OBJECTIONS

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

### A. Declarations and reservations

### AFGHANISTAN

[Original: Dari]

Declaration:

The presiding body of the Revolutionary Council of the Democratic Republic of Afghanistan declares that the provisions of paragraphs 1 and 3 of article 48 of the International Covenant on Civil and Political Rights and provisions of paragraphs 1 and 3 of article 26 of the International Covenant on Economic, Social and Cultural Rights, according to which some countries cannot join the aforesaid Covenants, contradicts the international character of the aforesaid treaties. Therefore, according to the equal rights to all States to sovereignty, both Covenants should be left open for the purpose of the participation of all States.

### ALGERIA

[Original: French]

Interpretative declarations:

1. The Algerian Government interprets article 1, which is common to the two Covenants, as in no case impairing the inalienable right of all peoples to self-determination and to control over their natural wealth and resources. It further considers that the maintenance of the State of dependence of certain territories referred to in article 1, paragraph 3, of the two Covenants and in article 14 of the International Covenant on Economic, Social and Cultural Rights is contrary to the purposes and principles of the United Nations, to the Charter of the Organization and to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)).

2. The Algerian Government interprets the provisions of article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights as making the law the framework for action by the State with respect to the organization an exercise of the right to organize.

3. The Algerian Government considers that the provisions of article 13, paragraphs 3 and 4, of the International Covenant on Economic, Social and Cultural Rights can in no case impair its right freely to organize its educational system.

4. The Algerian Government interprets the provisions of article 23, paragraph 4, of the International Covenant on Civil and Political Rights regarding the rights and responsibilities of spouses as to marriage, during marriage and at its dissolution as in no way impairing the essential foundations of the Algerian legal system.

## BARBADOS

[Original: English]

The Government of Barbados states that it reserves the right to postpone:

(a) The application of subparagraph (a) (i) of article 7 of the Covenant in so far as it concerns the provision of equal pay to men and women for equal work;

(b) The application of article 10 (2) in so far as it relates to the special protection to be accorded mothers during a reasonable period during and after childbirth; and

(c) The application of article 13 (2) (a) of the Covenant, in so far as it relates to primary education; since, while the Barbados Government fully accepts the principles embodied in the same articles and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation are such that full application of the principles in question cannot be guaranteed at this stage.

## BELGIUM

[Original: French]

Interpretative declaration:

1. With respect to article 2, paragraph 2, the Belgian Government interprets non-discrimination as to national origin as not necessarily implying an obligation on States automatically to guarantee to foreigners the same rights as to their nationals. The terms should be understood to refer to the elimination of any arbitrary behaviour but not of differences in treatment based on objective and reasonable considerations, in conformity with the principles prevailing in democratic societies.

2. With respect to article 2, paragraph 3, the Belgian Government understands that this provision cannot infringe the principle of fair compensation in the event of expropriation or nationalization.

## BULGARIA

[Original: Bulgarian]

The People's Republic of Bulgaria deems it necessary to underline that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. These provisions are inconsistent with the very nature of the Covenants, which are universal in character and should be open for accession by all States. In accordance with the principle of sovereign equality, no State has the right to bar other States from becoming parties to a covenant of this kind.

## CONGO

[Original: French]

Reservation:

The Government of the People's Republic of the Congo declares that it does not consider itself bound by the provisions of article 13, paragraphs 3 and 4 ...

Paragraphs 3 and 4 of article 13 of the International Covenant on Economic, Social and Cultural Rights embody the principle of freedom of education by allowing parents the liberty to choose for their children schools other than those established by the public authorities. Those provisions also authorize individuals to establish and direct educational institutions.

In our country, such provisions are inconsistent with the principle of nationalization of education and with the monopoly granted to the State in that area.

## CZECH REPUBLIC

[Original: Czech]

Upon succession:

The Czech Republic declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are in contradiction with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

The provision of article 26, paragraph 1, of the Covenant is in contradiction with the principle that all States have the right to become parties to multilateral treaties regulating matters of general interest.

DENMARK 5/

[Original

The Government of Denmark cannot, for the time being, undertake t comply entirely with the provisions of article 7 (d) on remuneration fo public holidays.

EGYPT 6/

[Origina

... taking into consideration the provisions of the Islamic shari the fact that they do not conflict with the text annexed to the instrume we accept, support and ratify it ...

FRANCE

[Origina

Declarations :

1. The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict be its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

2. The Government of the Republic declares that articles 6, 9, 11 and are not to be interpreted as derogating from provisions governing the ac of aliens to employment or as establishing residence requirements for th allocation of certain social benefits.

3. The Government of the Republic declares that it will implement the provisions of article 8 in respect of the right to strike in conformity with article 6, paragraph 4, of the European Social Charter according to the interpretation thereof given in the annex to that Charter.

GUINEA

[Original

In accordance with the principle whereby all States whose policies guided by the purposes and principles of the Charter of the United Nation are entitled to become parties to covenants affecting the interests of th international community, the Government of the Republic of Guinea conside that the provisions of article 26, paragraph 1, of the International Cove on Economic, Social and Cultural Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

The Government of the Republic of Guinea likewise considers that article 1, paragraph 3, and the provisions of article 14 of that instrument are contrary to the provisions of the Charter of the United Nations, in general, and United Nations resolutions on the granting of independence to colonial countries and peoples, in particular.

The above provisions are contrary to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations contained in General Assembly resolution 2625 (XXV), pursuant to which every State has the duty to promote realization of the principle of equal rights and self-determination of peoples in order to put an end to colonialism.

HUNGARY

[Original: English]

Upon signature:

The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Covenants are of a discriminatory nature and are contrary to the basic principle of international law that all States are entitled to become signatories to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants.

Upon ratification:

The Presidential Council of the Hungarian People's Republic declares that the provisions of article 48, paragraphs 1 and 3, of ... the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation.

INDIA

[Original: English]

Declarations:

1. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights, ... the Government of the Republic of India declares that the words "the right of self-determination" appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people, or nation - which is the essence of national integrity.

II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further, under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

III. With respect to article 11 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16 (4) of the Constitution of India.

IRAQ 1/

(Original: Arabic)

Upon signature and confirmed upon ratification :

The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligation towards Israel under the said two Covenants.

The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights.

Upon ratification :

Ratification by Iraq ... shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant].

## IRELAND

[Original: English]

Reservations made upon ratification:

Article 2, paragraph 2

In the context of Government policy to foster, promote and encourage the use of the Irish language by all appropriate means, Ireland reserves the right to require, or give favourable consideration to, a knowledge of the Irish language for certain occupations.

Article 13, paragraph 2 (a)

Ireland recognizes the inalienable right and duty of parents to provide for the education of children, and, while recognizing the State's obligations to provide for free primary education and requiring that children receive a certain minimum education, nevertheless reserves the right to allow parents to provide for the education of their children in their homes provided that these minimum standards are observed.

## JAPAN

[Original: Japanese]

Reservations and declarations made upon signature and confirmed upon ratification:

1. In applying the provisions of paragraph (d) of article 7 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by "remuneration for public holidays" referred to in the said provisions.

2. Japan reserves the right not to be bound by the provisions of subparagraph (d) of paragraph 1 of article 8 of the International Covenant on Economic, Social and Cultural Rights, except in relation to the sectors in which the right referred to in the said provisions is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.

3. In applying the provisions of subparagraphs (b) and (c) of paragraph 2 of article 13 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by "in particular by the progressive introduction of free education" referred to in the said provisions.

4. Recalling the position taken by the Government of Japan, when ratifying the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, that "the police" referred to in article 9 of the said Convention be interpreted to include the fire service of

Japan, the Government of Japan declares that "members of the police" referred to in paragraph 2 of article 8 of the International Covenant on Economic Social and Cultural Rights as well as in paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan.

KENYA

[Original: English]

While the Kenya Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in Kenya do not render necessary or expedient the imposition of those principles by legislation.

KUWAIT

[Original: Arabic]

Interpretative declaration regarding article 2, paragraph 2, and article 3

Although the Government of Kuwait endorses the worthy principles embodied in article 2, paragraph 2, and article 3 as consistent with the provisions of the Kuwait Constitution in general and of its article 29 in particular, it declares that the rights to which the articles refer must be exercised within the limits set by Kuwaiti law.

Interpretative declaration regarding article 9

The Government of Kuwait declares that while Kuwaiti legislation safeguards the rights of all Kuwaiti and non-Kuwaiti workers, social security provision applies only to Kuwaitis.

Reservation concerning article 8, paragraph 1 (d)

The Government of Kuwait reserves the right not to apply the provisions of article 8, paragraph 1 (d).

LIBYAN ARAB JAMAHIRIYA [7/]

[Original: English]

The acceptance and the accession to this Covenant by the Libyan Arab Jamahiriya shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Jamahiriya into such dealings with Israel as are regulated by the Covenant.

MADAGASCAR

[Original: French]

The Government of Madagascar states that it reserves the right to postpone the application of article 13, paragraph 2, of the Covenant, more particularly in so far as it relates to primary education, since, while the Malagasy Government fully accepts the principles embodied in the said paragraph and undertakes to take the necessary steps to apply them in their entirety at the earliest possible date, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

MALTA

[Original: English]

The Government of Malta declares that it is in favour of upholding the principle affirmed in the words [of art. 13, para. 3] "and to ensure the religious and moral education of their children in conformity with their own convictions". However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, in which cases are very exceptional in Malta.

MEXICO

[Original: Spanish]

Interpretative statement:

The Government of Mexico accedes to the International Covenant on Economic, Social and Cultural Rights with the understanding that article 8 of the Covenant shall be applied in the Mexican Republic under the conditions and in conformity with the procedure established in the applicable provisions of the Political Constitution of the United Mexican States and the relevant implementing legislation.

MONGOLIA

[Original: English]

Declaration made upon signature and confirmed upon ratification:

The Mongolian People's Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and

considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

NETHERLANDS

[Original: English]

Reservation with respect to article 8, paragraph 1 (d):

The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles with regard to the latter's central and local government bodies.

Explanation:

[The Kingdom of the Netherlands] clarify that although it is not certain whether the reservation [...] is necessary, [it] has preferred the form of a reservation to that of a declaration. In this way the Kingdom of the Netherlands wishes to ensure that the relevant obligation under the Covenant does not apply to the Kingdom as far as the Netherlands Antilles is concerned.

NEW ZEALAND

[Original: English]

The Government of New Zealand reserves the right not to apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.

The Government of New Zealand reserves the right to postpone, in the economic circumstances foreseeable at the present time, the implementation of article 10 (2) as it relates to paid maternity leave or leave with adequate social security benefits.

NORWAY

[Original: English]

Subject to reservations to article 8, paragraph 1 (d), "to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission in matters of wages) by Act of Parliament for the particular conflict, shall not be considered incompatible with the right to strike, this right being fully recognized in Norway".

ROMANIA

[Original: French]

Upon signature :

The Government of the Socialist Republic of Romania declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification :

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 26 (1) of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in articles 1 (3) and 14 of the International Covenant on Economic, Social and Cultural Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

RUSSIAN FEDERATION

[Original: Russian]

Declaration made upon signature and confirmed upon ratification :

The Union of Soviet Socialist Republics declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

RWANDA

[Original: French]

The Rwandese Republic [is] bound, [...] in respect of education, only by the provisions of its Constitution.

SWEDEN

[Original: French]

Sweden enters a reservation in connection with article 7 (d) of the Covenant in the matter of the right to remuneration for public holidays.

SYRIAN ARAB REPUBLIC 2/

[Original: Arabic]

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.

2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.

TRINIDAD AND TOBAGO

[Original: English]

With respect to article 8 (1) (d) and 8 (2):

The Government of Trinidad and Tobago reserves the right to impose lawful and/or reasonable restrictions on the exercise of the aforementioned rights by personnel engaged in essential services under the Industrial Relations Act or under any Statute replacing same which has been passed in accordance with the provisions of the Trinidad and Tobago Constitution.

UKRAINE

[Original: Ukrainian]

Declaration made upon signature and confirmed upon ratification:

The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International

Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

Upon signature:

First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under article 1 of the Covenant and their obligations under the Charter (in particular, under arts. 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

Secondly, the Government of the United Kingdom declare that they must reserve the right to postpone the application of subparagraph (a) (i) of article 7 of the Covenant in so far as it concerns the provision of equal pay to men and women for equal work, since, while they fully accept this principle and are pledged to work towards its complete application at the earliest possible time, the problems of implementation are such that complete application cannot be guaranteed at present.

Thirdly, the Government of the United Kingdom declare that, in relation to article 8 of the Covenant, they must reserve the right not to apply subparagraph (b) of paragraph 1 in Hong Kong, in so far as it may involve the right of trade unions not engaged in the same trade or industry to establish federations or confederations.

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.

Upon ratification:

Firstly, the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

The Government of the United Kingdom declare that for the purposes of article 2 (3) the British Virgin Islands, the Cayman Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies, the Turks and Caicos Islands and Tuvalu are developing countries.

The Government of the United Kingdom reserve the right to interpret article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking of employment in any particular region or territory for the purpose of safeguarding the employment opportunities of workers in that region or territory.

The Government of the United Kingdom reserve the right to postpone the application of subparagraph (i) of paragraph (a) of article 7, in so far as it concerns the provision of equal pay to men and women for equal work in the private sector in Jersey, Guernsey, the Isle of Man, Bermuda, Hong Kong and the Solomon Islands.

The Government of the United Kingdom reserve the right not to apply subparagraph 1 (b) of article 8 in Hong Kong.

The Government of the United Kingdom while recognizing the right of everyone to social security in accordance with article 9 reserve the right to postpone implementation of the right in the Cayman Islands and the Falkland Islands because of shortage of resources in these territories.

The Government of the United Kingdom reserve the right to postpone the application of paragraph 1 of article 10 in regard to a small number of customary marriages in the Solomon Islands and the application of paragraph 2 of article 10 in so far as it concerns paid maternity leave in Bermuda and the Falkland Islands.

The Government of the United Kingdom maintain the right to postpone the application of subparagraph (a) of paragraph 2 of article 13, and article 14, in so far as they require compulsory primary education, in the Gilbert Islands, the Solomon Islands and Tuvalu.

Lastly the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.

VIET NAM

[Original: Vietnamese]

Declaration:

That the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights, and article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. The Government of the Socialist Republic of Viet Nam considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States without any discrimination or limitation.

YEMEN

[Original: Arabic]

The accession of the People's Democratic Republic of Yemen to the [International Covenant on Economic, Social and Cultural Rights] [International Covenant on Civil and Political Rights] shall in no way signify recognition of Israel or serve as grounds for the establishment of relations of any sort with Israel.

ZAMBIA

[Original: English]

Reservation:

The Government of the Republic of Zambia states that it reserves the right to postpone the application of article 13 (2) (a) of the Covenant, in so far as it relates to primary education since while the Government of the Republic of Zambia fully accepts the principles embodied in the same article and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

B. Withdrawal of reservations

BELARUS

On 30 September 1992, the Government of Belarus notified the Secretary-General of its decision to withdraw the reservations, made upon accession on 12 November 1973 which read as follows:

[Original: Russian]

The Byelorussian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

MALTA

On 13 September 1990, the Government of Malta notified the Secretary-General of its decision to withdraw the reservation made upon signature on 22 October 1968 which read as follows:

[Original: English]

The Government of Malta recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant. However, the present circumstances obtaining in Malta do not render necessary and do not render expedient the imposition of those principles by legislation.

C. Objections to reservations and declarations

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

FRANCE

[Original: French]

The Government of the Republic takes objection to the reservation entered by the Government of India to article 1 of the International Covenant on Economic, Social and Cultural Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obrtacle to the entry into force of the Covenant between the French Republic and the Republic of India.

GERMANY

[Original: English]
[15 August 1980]

The Government of the Federal Republic of Germany strongly objects, ... to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights and of article 1 of the International Covenant on Civil and Political Rights.

The right of self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples and not only to those under foreign domination. All peoples, therefore, have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Government cannot consider as valid any interpretation of the rights of self-determination which is contrary to the clear language of the provisions in question. It moreover considers that any limitation of their applicability to all nations is incompatible with the object and purpose of the Covenants.

[Original: German]
[25 October 1990]

The Federal Republic of Germany states the following regarding the declarations made by Algeria upon deposit of its instrument of ratification to the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 and the International Covenant on Civil and Political Rights of 16 December 1966:

It interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and in article 22 of the International Covenant on Civil and Political Rights may be restricted only for the reasons mentioned in the said articles and that such restrictions shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equality of rights and responsibility of spouses as to marriage, during marriage and at its dissolution.

NETHERLANDS

[Original: English]
[12 January 1981]

The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self-determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.

PORTUGAL

[Original: English]
[26 October 1990]

The Government of Portugal hereby presents its formal objection to the interpretative declarations made by the Government of Algeria upon ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The Government of Portugal having examined the contents of the said declarations reached the conclusion that they can be regarded as reservations and therefore should be considered invalid as well as incompatible with the purposes and object of the Covenants.

This objection shall not preclude the entry into force of the Covenants between Portugal and Algeria.

III. TERRITORIAL APPLICATION

| Participant | Date of receipt of the notification : | Territories : |
|---|---|---|
| Netherlands | 11 December 1978 | Netherlands Antilles |
| Portugal | 27 April 1993 | Macau 8/ |
| United Kingdom of Great Britain and Northern Ireland | 20 May 1976 | Bailiwick of Guernsey, t Bailiwick of Jersey, th Man, Belize, Bermuda, t Virgin Islands, the Cay Islands, the Falkland I Dependencies. 3/ Gibr Gilbert Islands, Hong K Montserrat, the Pitcairn St. Helena and Dependenc Solomon Islands, the Tur Caicos Islands and Tuval |

Notes

1/ United Nations publication, Sales No. E.96.V.5.

2/ The thirty-fifth instrument of ratification or accession was deposited with the Secretary-General on 3 October 1975. The Contracting States did not object to having those instruments accompanied by reserv taken into account under article 27 (1) for the purpose of determining t date of general entry into force of the Covenant.

3/ On 3 October 1983 the Secretary-General received from the Gove of Argentina the following objection:

"[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdo regard to the Malvinas Islands [and dependencies], which that coun illegally occupying and refers to as the 'Falkland Islands'.

"The Argentine Republic rejects and considers null and void the declaration] of territorial extension."

In this regard, the Secretary-General received on 28 February 198 the Government of the United Kingdom of Great Britain and Northern Irela following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification t the Depositary under the relevant provisions of the above-mentione

Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

"For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

Subsequently, upon ratification, the Government of Argentina made the following declaration:

"The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, which form an integral part of its national territory.

"The General Assembly of the United Nations had adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6 and 40/21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falkland Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made."

4/ In a communication received on 10 May 1982, the Government of Solomon Islands declared that Solomon Islands maintains the reservations entered by the United Kingdom save in so far as the same cannot apply to Solomon Islands.

5/ In a communication received on 14 January 1976, the Government of Denmark notified the Secretary-General that it withdrew its reservation made previously with regard to article 7 (a) (i) on equal pay for equal work.

6/ Addendum to depositary notification C.N.9. 1982. Treaties-1, dated 4 February 1982.

7/ In two communications received by the Secretary-General on 10 July 1969 and 23 March 1971 respectively, the Government of Israel declared that it "has noted the political character of the declaration made by the Government of Iraq on signing and ratifying the above Covenants" In the view of the Government of Israel, these two Covenants are not the proper place for making such political pronouncements. The Government of Israel will, in so far as concerns the substance of the matter, adopt towards the Government of Iraq an attitude of complete reciprocity.

Identical communications, mutatis mutandis, were received by the Secretary-General from the Government of Israel on 9 July 1969 in respect of the declaration made on accession by the Government of the Syrian Arab Republic, and on 29 June 1970 in respect of the declaration made on accession

by the Government of the Libyan Arab Jamahiriya. In the latter communication, the Government of Israel moreover stated that the declaration concerned "cannot in any way affect the obligations of the Libyan Arab [Jamahiriya] already existing under general international law".

B/ The notification received by the Secretary-General contained the following declaration made by the President of the Portuguese Republic:

I hereby declare that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were adopted in New York on 16 December 1966.

The Covenants have been seen, examined and considered in their entirety and have been ratified by Act No. 29/78 of 12 June and by Act No. 45/78 of 11 July. By this declaration, which was adopted by the Assembly of the Republic in its resolution 41/92 and published in the Official Gazette of the Republic [Diário da República], Series I-A, No. 301, of 31 December 1992, the Covenants are confirmed and proclaimed binding and valid, and they shall have effect and be implemented and observed without exception, bearing in mind that:

Article 1. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, ratified, respectively, by Act No. 29/78 of 12 June, and by Act No. 45/78 of 11 July, shall be applicable in the territory of Macau.

Article 2. 1. The applicability in Macau of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and in particular of article 1 in both Covenants, shall in no way affect the status of Macau as defined in the Constitution of the Portuguese Republic and in the Organic Statute of Macau.

2. The applicability of the Covenants in Macau shall in no way affect the provisions of the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macau, signed on 13 April 1987, especially with respect to the provision specifying that Macau forms part of Chinese territory and that the Government of the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999, and that Portugal will be responsible for the administration of Macau until 19 December 1999.

Article 3. Article 25 (b) of the International Covenant on Civil and Political Rights shall not apply to Macau with respect to the composition of elected bodies and the method of choosing and electing

their officials, as defined in the Constitution of the Portuguese Republic, the Organic Statute of Macau and provisions of the Joint Declaration on the Question of Macau.

Article 4. Article 12 (4) and article 13 of the International Covenant on Civil and Political Rights shall not apply to Macau with respect to the entry and exit of individuals and the expulsion of foreigners from the territory. These matters shall continue to be regulated by the Organic Statute of Macau and other applicable legislation, and also by the Joint Declaration on the Question of Macau.

Article 5. 1. The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that are applicable to Macau shall be implemented in Macau, in particular through specific legal documents issued by the organs of government of the territory.

2. The restrictions of the fundamental rights in Macau shall be confined to those cases prescribed by law and shall not exceed the limits permitted by the applicable provisions of the aforementioned Covenants.

In witness whereof, I have signed this declaration and sealed it with the seal of the Portuguese Republic.

Palácio National de Belém, 25 March 1993

ANNEX

STATES PARTIES WHICH MADE RESERVATIONS AND DECLARATIONS

| Articles of the Covenant | States parties |
|---|---|
| Article 1 | Algeria, India, United Kingdom of Great Britain and Northern Ireland |
| Article 1, paragraph 3 | Guinea, Romania |
| Article 2, paragrapt 2 | Belgium, Ireland, Kuwait |
| Article 2, paragraph 3 | Belgium, United Kingdom of Great Britain and Northern Ireland |
| Article 3 | Kuwait |
| Article 4 | India |
| Article 6 | France, United Kingdom of Great Britain and Northern Ireland |
| Article 7 (a) | Barbados, United Kingdom of Great Britain and Northern Ireland |
| Article 7 (c) | India |
| Article 7 (d) | Denmark, Japan, Sweden |
| Article 8 | Algeria, France, India, Mexico, New Zealand |
| Article 8, paragraph 1 (b) | United Kingdom of Great Britain and Northern Ireland |
| Article 8, paragraph 1 (d) | Japan, Kuwait, Netherlands, Norway, Trinidad and Tobago |
| Article 8, paragraph 2 | Japan, Trinidad and Tobago |
| Article 9 | France, Kuwait, United Kingdom of Great Britain and Northern Ireland |
| Article 10, paragraph 1 | United Kingdom of Great Britain and Northern Ireland |
| Article 10, paragraph 2 | Barbados, Kenya, New Zealand, United Kingdom of Great Britain and Northern Ireland |

| Articles of the Covenant | States parties |
|---|---|
| Article 11 | France |
| Article 13 | France, Rwanda |
| Article 13, paragraph 2 | Madagascar |
| Article 13, paragraph 2 (a) | Barbados, Ireland, United Kingdom of Great Britain and Northern Ireland, Zambia |
| Article 13, paragraph 2 (b) | Japan |
| Article 13, paragraph 2 (c) | Japan |
| Article 13, paragraph 3 | Algeria, Congo, Malta |
| Article 13, paragraph 4 | Algeria, Congo |
| Article 14 | Algeria, Guinea, Romania, United Kingdom of Great Britain and Northern Ireland |
| Article 26, paragraph 1 | Afghanistan, Bulgaria, Czech Republic, Guinea, Hungary, Mongolia, Romania, Russian Federation, Syrian Arab Republic, Ukraine, Viet Nam |
| Article 26, paragraph 3 | Afghanistan, Bulgaria, Hungary |

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